

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3198 OF 2006

Hari Manohar Kolhe ..Petitioner

V/s.

Bhandup Night Junior College ..Respondents
and ors

Mr.M.Desai, advocate for the petitioner
None for the respondent Nos.1 & 2
Mr.M.More, AGP for the respondent Nos.3 & 4

**CORAM : S.B.MHASE &
R.S.MOHITE, JJ.**

DATE : 24TH APRIL, 2007

P.C.

1. Heard. The learned counsel for the petitioner states that the petitioner is a full time teacher with Chetana Jr.College. Simultaneously, he was working as a part time teacher in night Junior College which is permissible under law. As a result of the reduction of the divisions, the services of the

petitioner from part time teacher in Junior Night College has been terminated. Therefore, the petitioner has approached to this Court and making a claim that his name should be retained by the Education officer and/or Education Department under Rule 26 of the Maharashtra Employees of Private Schools Rules, 1981 for absorbtion in some other night schools or in the night Jr. colleges. On the facts of the case we find that the petitioner is not thrown on the road and he is a full time teacher.

3. Rule 26 applies whenever there is a retrenchment of teacher and as a result of the retrenchment, the teacher is thrown on road and therefore so as to provide service protection to such teacher scheme of absorbtion has been provided in the said rule 26. We do not find any substance in the facts of the present petition. We may consider rigors of rule 26 if part time teacher of night school working in night school only are

removed and when they are not found to be employed
in any other school. Petition is hereby rejected.

(**R.S.MOHITE, J.**)

(**S.B.MHASE, J.**)